

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

HUNTER LEVI, )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 4:08CV328 SNL  
 )  
 NATIONAL LABOR RELATIONS )  
 BOARD, et al., )  
 )  
 Defendants. )

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's response to the Court's show cause order. Because it is clear that this Court lacks subject matter jurisdiction over the complaint, the Court will dismiss the complaint without further proceedings.

Plaintiff seeks review of a decision of the National Labor Relations Board pursuant to 29 U.S.C. § 160(f), which states, "Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain a review of such order in any United States court of appeals in the circuit wherein the unfair labor practice in question was alleged to have been engaged in or wherein such person resides or transacts business . . ." The National Labor Relations Act, therefore, mandates that plaintiff file this case in the proper *court of appeals* rather than in this Court. See Amalgamated Meat Cutters and Butcher Workmen of North America,

Local Union 576 v. Allen, 298 F. Supp. 985 (W.D. Mo. 1969) (independent suit in federal district court cannot be maintained to challenge a National Labor Relations Board action). As a result, the Court will dismiss this action for lack of subject matter jurisdiction. Fed. R. Civ. P. 12(h)(3).

Accordingly,

**IT IS HEREBY ORDERED** that this case is **DISMISSED** for lack of jurisdiction. Fed. R. Civ. P. 12(h)(3).

**IT IS FURTHER ORDERED** that plaintiff's motion to proceed in forma pauperis is **DENIED** as moot.

Dated this 14th day of April, 2008.



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SENIOR UNITED STATES DISTRICT JUDGE